

Interview Summary

Name of person interviewed

Kimberly Hamlyn

Relationship to the case

Witness

Person conducting the interview and preparing written statement

Amanda Batiz, Operations Division Manager, Superior Court

Location of Interview

Millville Municipal Court

Date of Interview

12/16/2022- Friday

Time of Interview

11:35 a.m. - 1:18 p.m.

Summary:

My name is Kimberly Hamlyn and I am a Certified Court Administrator. I am on my 17th year with municipal court. I have been in my current role my entire career except for a year and half in the role of municipal court director. My duties include overseeing daily operations and the duties of employees. I make sure they are doing things properly and correctly. I am responsible for overseeing monthly reconciliations, and the bail and cash book. I verify the funds received daily are correct with the bank. I help answer the phones and scheduling. I can complete bench clerk duties and sound recording. I am also responsible for daily, weekly, and monthly page center reports. I perform on-call duties. I am responsible for probable cause and issuing complaints that are non-indictable. I am also responsible for the audit of traffic and special complaints. I make sure employees are working their daily hours and completing assignments. I do the bi-weekly payroll report to the city of Millville. I am responsible for disciplinary actions for city of Millville as well. I have five employees. They do all report to me. Most often when Amber Oliver is in the office and available, the team goes to her as their immediate supervisor and ask questions and help from her. If she is away or out to lunch or busy helping someone else, they will come to me.

Work is distributed through the assignment duty sheet. In the morning, if I am present then I assign the daily duties to the employees for me and the Deputy Court Administrator, Amber Oliver. If I am not here, then Amber Oliver would assign the other duties. We keep the duty log on the credenza in the common area. Down the side is a list of duties that we work on daily or every two days or once a week and then a spot for their name to either write the completed the duties- time started and finished it. If there is a lull in court, then they may come off the bench and do some other small tasks for data entry, or master filing. Their name is next to data entry and there is a spot next to that—so that I know they didn't spend time on one thing and get interrupted.

I prepare a monthly calendar for all the police agencies I work with, and it tells them all the dates for Wednesday virtual dates. When the traffic complaints are data entered, they are scheduled. The only ones we may need to alter are when the State

Police don't include a date, or they choose a date that is not a court date—then we reschedule for first appearance on the virtual date. Tickets are also issued through the e-ticketing system. We have a master calendar in EMAX that I have to maintain. I input there the court dates. They don't always utilize the virtual date of the Wednesday. It depends. For example--- the dates that were given were issued the day before the Thanksgiving holiday. The report prints the following morning in page center. When we retrieved it, the trooper issued some minor traffic ticket for Monday. Mondays were solely in-person. When the Deputy CA reviewed the report on 11/28/22, the next date, we realized the trooper issued the ticket for was the 12/5/22 and we left them on for 12/5 because we didn't want to confuse the defendants. If they didn't appear, we would reschedule for a virtual date without issuing a failure to appear. As for any tickets issued for the Monday in-person date, we pull the ticket from PCSAM and relist for a virtual Wednesday date. Staff could be changing the date when it comes in if they notice the police put it on for a Monday, I don't do data entry. The team does know that if it wasn't on a virtual date, they should come to me and ask me what to do with it.

When a person should call in or come to the violations window if it's not a parking violation they are told to dispute through the portal. If it is someone that comes to the staff and says I don't have a computer, we explain they can call and walk them through that. Or then if they want to plead not guilty and come to court virtually. For Mondays, we try to keep the defendant litigant count between 100 and 115. I don't do stats for what is scheduled for an in-person date. I do stats for what is scheduled vs. who appears. For virtual days, we schedule anywhere from approx. 300+ people with 400+ cases scheduled on a virtual date.

Everyone in the office is scheduling on any given day. Any time a Supreme Court Order has come out, I have reviewed that order and discussed with the team what should be scheduled in-person versus virtually. The person doing the notices is the person who touches the case last before it goes into the bin for future court dates. People are supposed to make sure that the cases are scheduled for the correct date of the week. The CA or DCA reviews the dockets for accuracy. For example, for an in-person date, I look at in-person to make sure I count the number of defendants scheduled. I make sure times are correct. For virtual, I check to make sure they are all scheduled for the correct time, to make sure it's not scheduled for the wrong time.

The bench clerk schedules most cases that are scheduled on any given court day. The bench clerk has been instructed on what should be put on an in-person date. The Deputy CA picks up all the work that comes from the local police department prior to anyone doing any data entry. She associates the criminal offenses with tickets. If any paperwork is dropped off with criminal complaints the Deputy CA reviews. In her absence, I take care of those things. Any court date issued from CJPU; Central Judicial processing Unit, are all given a virtual date. Nine times out of ten the case is on for Wednesday 9:00 a.m.

I create the scheduling calendar for Millville police department, Sheriff's Department, and NJ State Police barracks. I e-mail the scheduling calendar to the police department and the Sheriff's Department. I also fax calendar to NJ state police Bridgeton barracks and Port Norris barracks. The calendars given to law enforcement only have a Wednesday date on. If they put a Monday date on the ticket, then we schedule it for the Wednesday.

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I have not had any formal conversations with the police departments about scheduling. I simply give them all virtual dates. The only time I give an in-person date is if they are being ROR'd. For example, if I receive a call at 2:00 a.m. on a Saturday I'm asking what they are charged with. In-person for Mondays are given during on-call. The Deputy CA is on-call usually but if she can't answer the phone then I have taken the call. There haven't been any Monday in-person dates scheduled by the police department, they are strictly scheduled by court staff only.

I am familiar with the Supreme Court's order dated November 18, 2021, regarding the scheduling of court matters. It is my understanding that based on that order all first appearances should be held virtually. The only thing in-person should be multiple failure to appear- no warrant; failure to appear with warrant; or if someone ordered it on the bench to be held in person. Also, people that have a warrant issued; people with several witnesses to their case; several co-defendants on a case; people who are not tech savvy; and people who have asked to be scheduled in person.

The schedule of cases for in-person is staggered. Mondays 9:00 a.m. are for first appearances; someone who may have previously been scheduled virtually and unable to connect virtually or not tech savvy and have a traffic violation.

We have a document chart that we provide to staff on what is supposed to be scheduled, the times and what the times mean. They don't necessarily have all those things described. Staff do have the ability to reschedule to Monday without consultation to the CA because they understand the order. Sometimes they come to me and ask about rescheduling. I have explained that we should exhaust all avenues before bringing them in person.

I am familiar with the Supreme Court's order dated October 27, 2022, regarding the scheduling of court. The order states that we shall schedule certain offenses in-person for first appearance. Some of those are a 39:3-40- revoked list- suspended license- 39:4- 50; DWI refusal. Disorderly persons and petty disorderly persons remain virtual. Anything where a person has failed to appear several times. After first appearance in-person they can be scheduled for someone on the revoked list (39:3-40); they explain they don't know, and they need to go to DMV. Then that is something to schedule a virtual conference. Status conference. But if a person same offense. Not guilty are scheduled back in person. Not guilty and states not going to hire private attorney. Suspended or where they able to retain an attorney. DV cases in-person should be scheduled in person. The Judge can say okay for virtual, say okay if the attorney wants virtual.

We left the calendar I prepared for the calendar year as is. Now I am in limbo with the change. I must prepare my January calendars for the police department. Moving forward I am going to give them a Monday and a Wednesday date. Something I haven't done in the past. It is better to give a Monday and Wednesday date. We can then review it, each case before doing data entry, and give a list of offenses that can be scheduled for virtual date. We are going to work up to Mondays and Wednesdays to a hybrid moving forward. That may be easier on the litigant with giving them a time change instead of a whole new date. Staff is going to have to reschedule. We are still trying to work through

this ourselves. We didn't make any changes for the remainder of this year since the last court session was December 14th. I don't know what law enforcement knows about the order. I don't know how that is disseminated. We have not scheduled anything since December 5th. We are going to go back through everything that was presently scheduled. We have things scheduled not a lot past January. We have only been doing in-person on Mondays and I receive security detail from them. In order to pick up and do a hybrid then on a Wednesday I reached out to my commissioner. He has asked if I can give them to the beginning of February before making any changes. That still needs to be worked out.

There is no way to audit the cases without looking at every single file. The only way we can audit that is to print the docket and look through it and check each individual cases to determine what is scheduled and does it meet the criteria. That is the only way. I review court schedules prior to sending them out to the agencies that need it for the upcoming court dates. I review times that are scheduled. I do not pull-out 100+ people. The charges are attached to the calendar. The only report is the dockets. I just look at the dockets. I don't actually open all of them. I randomly open up the dockets. I have a lot of cases-- 1800 plus cases. I will be randomly looking to see what is on an in-person versus virtually. I don't have the time to audit all of it.

Ashley Wolk provided guidance on the Supreme Court Orders. We have had TEAMS meetings regarding them. This last order that came out she gave me a cheat sheet for a break down. We got the cheat sheet was received first or 2nd week of November. I then had a meeting with everyone. I don't recall the date. Right after Ashley sent out the cheat sheet, we went over that.

Pre-pandemic cases needing interpreting services depended on whether they were a Spanish speaking individual. If they were scheduled on a day that the Spanish interpreter was not present, the Judge could have given them a paper with Spanish language that indicates the date the Spanish language interpreter was available and reschedule. Or, they could have utilized language line. All other languages would have been dialed into language line while the person was before the Judge.

We have a phone on the bench. We use language line with coded ID. When we call the number, and they answer we let them know what language we are in need of. As far as ASL we have a couple different companies prior to the pandemic. They would come in person. Prior to the pandemic, if a Spanish speaking litigant came to court on a day that we did not have an interpreter, the Judge would call them out to the bench and tell them they will relist the case to the date an interpreter was available. Once Municipal matters were restarted in 2020 fully virtual, the litigants were placed virtually with the Spanish interpreter. If it was noted, they were given the ability to have an interpreter. If it wasn't noted, then they were either re-scheduled on a Monday or a Wednesday. If they needed ASL, we sent them a ZOOM link to the ASL company, and they would link in on that day. Language line developed an insight video, and the court can dial in through the ZOOM app and let them know what language was needed through ZOOM. The interpreter would stay on there for an hour and 45 min, and they would then log off. If they were needed again, we would have to bring them up again if needed.

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Currently, the Spanish interpreter gives me a calendar for municipal court, and I provide her with the list of court dates. For example, she has provided me with list of available Mondays for 2023. Everyone has a copy of her schedule and are responsible for scheduling. After the Supreme Court entered the November 18th order, the scheduling of cases needing an interpreter did not change. The cases are scheduled based on case type. The staff are responsible for scheduling.

After the November 18th order but before October 27th of this year the scheduling of interpreting matters did not change. The procedure did not change for scheduling interpreting cases. Roughly around April or May this year, me and the Judge talked about bringing in more cases in-person and we talked about what dates would be appropriate. For example, code enforcement summonses were always scheduled on Wednesdays. So, we set aside Wednesday only to do that. We can't go in-person on Wed. Majority of what they write doesn't fit into the criteria of the order. We talked about DV. Some did fit in. We used to hear DV only on a Monday. We tried to fit in with that because of the Supreme Court order. The Spanish interpreter is only available on Mondays so then we would only schedule with her per the order. That change started late because of the wait for cameras and metal detectors. Sometime in June it started, or July I don't recollect. The city had me try to find a security detail. Then they decided to do overtime. This began in beginning of July.

Ashley Wolk reached out the week of July 18th due to Millville having a high number of in person hearings being conducted at that time and we advised that we were scheduling per the order of the Supreme Court. I met with everyone as a result, and I explained to them that we were scheduling too many litigants on a Monday and to make sure we were staying within the order. I didn't look at the individual cases though. I did not review the cases that were scheduled. Ashley was just concerned too many people were scheduled. I had a conversation with the staff. I told them that we would only be scheduling between 100 and 115 people on any given days. I report my stats weekly and I have not heard anything else about how many people are scheduled on a Mondays. No nothing changed at that time in the way we were scheduling.

Currently, when a litigant calls the court and advises they need an interpreter for their case, we let them know that depending on their scheduled date an interpreter would be provided. If they follow the guidelines to be in-person, it depends on the language. If it is French, then we would use language line. If they are of Latino descent and they are scheduled in person, then an interpreter in person would be provided. If it is a date that she is not here would dial into language line. If scheduled for a virtual session, we explain we have a person available to speak their language for them, since we were virtual. The procedure hasn't changed, not that I am aware of. I have three Spanish speaking employees so they will communicate with the Latino population, and they are to explain if they are scheduled on a virtual date someone would be virtual and if scheduled in-person the Interpreter on site will help them. If it's not your scheduled date, and she's not there, then through the phone.

As far as resources in other languages to explain court processes, we have whatever is posted out there on the wall that is provided by the Judiciary.

We do not move cases from virtual to in person when a litigant requests an interpreter. We schedule cases needing interpreting services for virtual based on the Supreme Court order. We have calendars and interpreting invoices to support this. I am going to provide this to the Municipal Division Manager. Finance is going to produce language line billing statements and possibly for the language assistance provided. Cases requiring interpreting services are not intentionally scheduled on the days the interpreter is available for in person services. This should not be happening. Cases that are scheduled for in-person hearings are not based on a person's last name or surname. A person's last name doesn't play a part.

Judge Witcher plays a very little role currently in how things are scheduled. Judge Witcher only tells us when the next listing is from the bench. He asks people if they are available or not. He leaves it up to court staff to schedule the people. He does not provide a date from the bench. He does not ask to review any dockets. He has never conveyed that he wanted to review the dockets or calendars. There was a meeting Nov 7th. I started to ask him if he wanted to know the stats and he said he didn't care what the stats were. Judge Witcher never voiced a concern to me or to anyone that I am aware of about how cases were being scheduled- not until the Nov 7th meeting. It was me, Amber Oliver and Amber Gandy present at the meeting with the Judge. I also asked the Business Administrator from the city to attend. The Judge was acting irate that day. He didn't understand why cases were scheduled for in person. That was his concern on that date. He wanted to go through the cases one by one. We started with the first one and I explained why that case was in person. It was a street sweeping ticket and a parking officer who was not computer savvy wanted to come in person. Initially, I started to look at that and I did say I don't know by looking at the ticket, I don't know why it was scheduled in person. I proceeded to ask if he wanted to know the stats and, but he said he didn't care what they were. He wanted us to have a conversation with the Marie Keith. She was starting to do a hybrid scheduled on their two in-person Tuesdays a month. Bringing a few people in person and doing virtual at the same time. This all happened prior to the new order. We weren't aware of how to disseminate that order yet. We agreed to set up a telephone conference with Ms. Keith. We set up a date and she canceled because her son was ill. Then we set up a second date on Nov 23rd and we actually set it up as a ZOOM call. Amber Gandy, Amber Oliver, Ray Compari, and myself and a good half hour passed but Marie never logged on. I texted and asked her. She then said that the Judge was in the hospital, and he wanted to be present, but he never told us in the meeting on the Nov 7th date that he was supposed to be a part of the meeting. So, when I heard that on Nov 23rd, we were taken back by that. I said I was unaware of that. The Judge never conveyed that to us. I told her I would pick some dates and I will get back to you. We picked a Friday Dec. 9th. I then sent Marie another ZOOM link again. Amber Gandy opened it up and I logged in and so did Amber Oliver. The Business Administrator logged in, but Marie never logged in. After 5-6 minutes, Ray said we are not going to sit here again. He got her number to reach out and I never heard any more from him. The more he thought about it they more pissed off he was. We never heard back on how they perform this in Bridgeton Municipal Court.

I have no idea about the basis for the complaint. Amber Gandy was performing the function of court clerk on Nov 7th. Amber Oliver was in court that day too. I started getting text messages from Amber Oliver that he was randomly asking everyone why they

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were scheduled in person. The Judge was telling them, "Did you know you had an option". Both Ambers told me during the breaks that an attorney was there on a sentencing on a DWI and he asked the attorney why he was there that day. The attorney said my client has a DWI sentencing. The Judge responded saying that was something you didn't have to come here for. I did not review the court record. This information was shared by Amber. As soon as the a.m. session was done, he stated he wanted a meeting. He never explained why he wanted to go back through the court list.

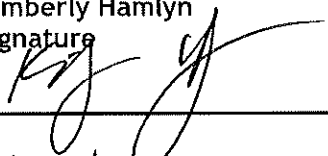
Prior to the pandemic, when we were on the bench, we would look through future court dates and give him dates to give from the bench. Short windows or return in two weeks. Upcoming dates for time slot. We would place the docket out. He never asked for the docket in advance prior to their upcoming court date.

The Judge never reached out to discuss the orders or how we were going to implement them.

No one other than Judge Witcher brought a concern on the scheduling except for Ashley in July.

Date: 1/5/23

Kimberly Hamlyn
Signature



Date: 1/5/2023

Amanda A. Batiz
Signature of Person Conducting the Interview
/S/ Amanda Batiz

Date: 1/5/2023

Kelly Johnston
Signature of Management Witness
/S/ Kelly Johnston